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10/575,115	05/14/2007	Mark Chepurny	4316-061112	9271

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EXAMINER

CONLEY, FREDRICK C

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/575,115	Applicant(s) CHEPURNY ET AL.	
	Examiner FREDRICK C. CONLEY	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 and 13-23 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 6,575,100 to Faucher et al.

Claim 1, Faucher discloses a frame for supporting and moving a load, the frame comprising: first and second support legs 2 for supporting said frame on at least one floor; a load support member 20, extending between the first support leg and the second support leg, wherein the load support member is sized and shaped to be length adjustable;

a trolley 30, movably mounted on an external surface defined by travelling surfaces (42,44) that are external from the trolley of the load support member, the trolley and load support member being sized and shaped to permit the trolley to move along the load support member; whereby access to the trolley, without removing same from the load support member, is facilitated.

Claim 2, Faucher discloses the frame as claimed in claim 1, wherein the load support member comprises a first elongate member coupled to the first support leg and a second elongate member coupled to the second support leg, the elongate members being sized and shaped such that the first elongate member is axially slidably mateable with the second elongate member to form said load support member; whereby the

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length of the load support member is adjustable by axially sliding the first elongate member relative to the second elongate member when the elongate members are mated (col. 11-12 lines 60-68 & 1-6).

Claim 3, Faucher discloses the frame as claimed in claim 1, wherein the frame further comprises a floor-only stabilizer means 4, associated with said support legs, for stabilizing said frame in a standing position, said floor-only stabilizer means being sized and shaped to stabilize said frame in a standing position by acting only on the at least one floor.

Claim 4, Faucher discloses the frame as claimed in claim 1, wherein the first support leg and the second support leg are configured to be height adjustable (col. 17 lines 25-32).

Claim 5, Faucher discloses the frame as claimed in claim 4, wherein the first support leg and second support leg are configured to be height adjustable independently from one another, whereby the frame may be effectively used with the first support leg resting on a first floor having a level and the second support leg resting on a second floor having a different level (col. 17-18 lines 16-68 & 1-17).

Claim 6, Faucher discloses the frame as claimed in claim 5, wherein the first support leg comprises a first upper section attached to the load support member and a first lower section coupled to the first upper section, the first upper section being axially slidably mateable with the first lower section, wherein the height of the first support leg is adjustable by sliding the first upper section relative to the first lower section; and wherein the second support leg comprises a second upper section attached to the load support member and a second lower section coupled to the second upper section, the second upper section being axially slidably mateable with the second lower section, wherein the height of the second support leg is adjustable by sliding the second upper section relative to the second lower section (col. 17-18 lines 16-68 & 1-17).

Claim 7, Faucher discloses the frame as claimed in claim 6, wherein the frame further comprises a first height adjustment means, associated with the first upper and lower sections, for adjusting the height of the first support leg, and a second height adjustment means, associated with the second support leg, for adjusting the height of the second support leg (col. 17-18 lines 16-68 & 1-17).

Claim 8, Faucher discloses the frame as claimed in claim 7, wherein the first and second height adjustment means are configured to permit continuous adjustment of height (col. 17-18 lines 64-68 & 1-17).

Claim 13, Faucher discloses the frame as claimed in claim 1, wherein the trolley includes trolley wheels 32 which permit the trolley to move along the external surface and wherein the external surface includes a wheel-bearing surface for supporting the trolley wheels.

Claim 14, Faucher discloses the frame as claimed in claim 2, wherein the trolley includes trolley wheels 32 which permit the trolley to move along the external surface and wherein the external surface includes a wheel-bearing surface for supporting the trolley wheels; the wheel-bearing surface comprising a first wheel bearing surface on said first elongate member and second wheel bearing surface on the second elongate member, the first and second wheel bearing surfaces being sized, shaped and positioned so as to permit the trolley to move continuously from the first elongate member to the second elongate member.

Claim 15, Faucher discloses the frame of claim 14, wherein the trolley comprises first and second trolley wheels 32 positioned on a side of the load support member and third and fourth trolley wheels positioned on an opposite side of the load support member, and wherein the wheel bearing surface comprises a first-and-second-wheel bearing surface and a third-and-fourth-wheel bearing surface (fig. 9).

Claim 16, Faucher discloses the frame as claimed in claim 1, wherein the first and second support legs are detachably attached to the load support member (fig. 1).

Claim 17, Faucher discloses the frame as claimed in claim 2, wherein the first and second support legs are detachably attached to the load support member, and wherein the first elongate member and second elongate member are detachable from one another by sliding the first elongate member and the second elongate member apart in an axial direction (fig. 1).

Claim 18, Faucher discloses the frame as claimed in claim 16, the frame further including a first openable clamp configured and positioned to detachably attach the first support leg to the load support member, and a second openable clamp configured and positioned to detachably attach the second support leg to the load support member (col. 20 lines 9-28).

Claim 19, Faucher discloses the frame as claimed in claim 3, wherein the floor-only stabilizer means comprises a first stabilizer foot defined by a pedestal plate 4 coupled to the first support leg and a second stabilizer foot defined by a pedestal plate 4 coupled to the second support leg.

Claim 20, Faucher discloses the frame as claimed in claim 19, wherein the support legs and load support member are shaped and positioned so as to lie substantially in a single plane, and wherein the first and second stabilizer feet extend away from the plane, on both sides of the plane, sufficiently to stabilize the frame in a standing position by acting only on the at least one floor (fig. 18).

Claim 21, Faucher discloses the frame as claimed in claim 1, but fails to disclose trolley wheels and a trolley cover defined by wing members (22a,22b) wherein the trolley includes trolley wheels positioned on a wheel-bearing surface and a trolley cover sized and shaped to surround the load support member sufficiently so that if the trolley fails, the trolley cover will grip the load support member; whereby the load will continue to be supported if the trolley wheels fail.

Claim 22, Faucher discloses the frame as claimed in claim 2, wherein the legs are configured to be detachable from the load support member;

and wherein the first support leg comprises a first upper section attached to the load support member and a first lower section coupled to the first upper section, the first upper section being axially slidably mateable with the first lower section, wherein the height of the first support leg is adjustable by sliding the first upper section relative to the first lower section; and wherein the second support leg comprises a second upper section attached to the load support member and a second lower section coupled to the second upper section, the second upper section being axially slidably mateable with the second lower section, wherein the height of the second support leg is adjustable by sliding the second upper section relative to the second lower section; and wherein the first upper section and first lower section are sized and shaped to be decouplable by sliding the first upper section axially away from the first lower section, and the second upper section and second lower section are sized and shaped to be decouplable by sliding the second upper section axially away from the second lower section (col. 17-18 lines 16-68 & 1-17).

Claim 23, Faucher discloses the frame as claimed in claim 19, wherein the first and second stabilizer feet are adapted to be decouplable from the first and second support legs (fig. 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,575,100 to Faucher et al. in view of U.S. Pat. No. 5,056,753 to Lunau et al.

Claims 9-10, Faucher discloses the frame as claimed in claim 8, but is silent to the first height adjustment means comprising threaded shafts and stop members. Lunau discloses a first threaded shaft 54 extending axially through a first lower section 52, the first threaded shaft being axially fixed and rotatably movable relative to the first lower section, and a first stop member 53, the first stop member being configured to move along the first threaded shaft in response to rotation of the first threaded shaft, the first stop member and the first upper section 51 being mutually positioned such that the first upper section moves in response to movement of the first stop member, whereby the height of the first support leg is adjusted (col. 3 lines 28-53). It would have been obvious for one having ordinary skill in the art at the time of the invention to employ a threaded shaft and stop member as taught by Lunau yielding predictable results that provide an equivalent alternative means to adjust the post of Faucher.

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Claim 11, Faucher, as modified, discloses the frame as claimed in claim 10, wherein the first height adjustment means of Lunau comprises a first actuator 55, coupled to the first threaded shaft, for rotating the first threaded shaft to adjust the height of the first support leg, the first actuator being sized, shaped and positioned to permit height adjustment, and wherein the second height adjustment means comprises a second actuator 55, coupled to the second threaded shaft, for rotating the second threaded shaft to adjust the height of the second support leg, the second actuator being sized, shaped and positioned to permit height adjustment.

Claim 12, Faucher discloses the frame as claimed in claim 11, wherein the first height adjustment means further comprises a first height indicator defined by a viewing window (57,58) having indicia coupled to the first stop member and capable of visually indicating a height of the first support leg, and wherein the second height adjustment means further comprises a second height adjustment indicator defined by a viewing window (57,58) having indicia coupled to the second stop member and capable of visually indicating a height of the second support leg.

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Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,575,100 to Faucher et al. in view of U.S. Pat. No. 2,598,570 to Lewis.

Claim 24, Faucher discloses the frame as claimed in claim 1, but fails to disclose the stabilizer feet each have a length, and a width that is shorter than the length, and wherein the support legs and stabilizer feet are sized shaped and positioned so that the feet extend lengthwise at an angle substantially perpendicular to the plane when the frame is in an assembled condition. Lewis discloses stabilizer feet 16 having a width that is shorter than the length that extend perpendicular to the plane of the frame (fig.). It would have been obvious for one having ordinary skill in the art at the time of the invention to employ stabilizer feet as taught by Lewis yielding predictable results to easily roll the frame from one place to the other (col. 2 lines 20-24).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FREDRICK C. CONLEY whose telephone number is (571)272-7040. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, PETER CUOMO can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/FREDRICK C CONLEY/
Primary Examiner, Art Unit 3673